

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES FAWBUSH III,

Plaintiff,

vs.

Civil Action 2:09-CV-951
Judge Smith
Magistrate Judge King

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On March 23, 2010, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Commissioner's unopposed motion to dismiss be granted and that this action be dismissed, without prejudice, for lack of subject matter jurisdiction. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**.

The defendant Commissioner's motion to dismiss is **GRANTED**. This action is hereby **DISMISSED**, without prejudice, for lack of subject matter jurisdiction.

The Clerk shall enter **FINAL JUDGMENT**.

s/George C. Smith
George C. Smith, Judge
United States District Court